

2. On March 15, 2016, the National Labor Relations Board (“NLRB”) filed an unopposed motion to hold the case in abeyance pending the final resolution of *Murphy Oil USA, Inc. v. NLRB*, No. 14-60800.

3. On March 18, 2016, the Court granted the NLRB’s unopposed motion.

4. On May 23, 2016, the Court removed the case from abeyance in light of the mandate issued in *Murphy Oil USA, Inc. v. NLRB*, No. 14-60800.

5. On June 24, 2016, the NLRB filed a cross-petition to enforce its Decision and Order.

6. On July 5, 2016, UnitedHealth filed a Motion for Summary Disposition.

7. On July 15, 2016, the NLRB filed its opposition to UnitedHealth’s Motion for Summary Disposition.

8. UnitedHealth’s opening brief is currently due on August 3, 2016.

9. If UnitedHealth’s motion for summary disposition is granted, it will end the case. This Court has granted several summary disposition motions similar to the one UnitedHealth filed here. *See, e.g., MasTech Servs. Co. v. NLRB*, No. 16-60011 (5th Cir. July 11, 2016); *RGIS, LLC v. NLRB*, No. 16-60129 (5th Cir. July 7, 2016); *24 Hour Fitness USA, Inc. v. NLRB*, No. 16-60005 (5th Cir. June 27, 2016); *PJ Cheese, Inc. v. NLRB*, No. 15-60610, 2016 WL 3457261, at *1 (5th Cir. June

16, 2016); *On Assignment Staffing Servs., Inc. v. NLRB*, No. 15-60642 (5th Cir. June 6, 2016).¹

10. Staying the briefing in this case pending the resolution of UnitedHealth's summary disposition motion will spare UnitedHealth the time and expense in preparing and filing a brief that is potentially unnecessary.

11. This Court has granted a similar request to stay briefing pending the resolution of a motion for summary disposition that raised the same issues UnitedHealth raises in its motion. *RGIS, LLC v. NLRB*, No. 16-60129 (5th Cir. June 14, 2016).

12. Alternatively, UnitedHealth requests a thirty-day extension of time to file its opening brief.

13. The Court's decisions granting summary disposition in *MasTech*, *RGIS*, *24 Hour Fitness*, *PJ Cheese*, and *On Assignment* have all been made within fifteen days after the NLRB filed its opposition.² Good cause exists for the

¹ This Court declined to grant summary disposition, without prejudice, in *SF Markets, LLC d/b/a Sprouts Farmers Market v. NLRB*, No. 16-60186 (5th Cir. June 7, 2016), but in light of *PJ Cheese*, the employer has renewed its motion for summary disposition, which is pending as of the time of this motion.

² In *MasTech*, the NLRB opposed the employer's motion on July 1, 2016, and the Court issued its decision on July 11, 2016. In *RGIS*, the NLRB opposed the employer's motion on June 22, 2016, and the Court issued its decision on July 7, 2016. In *24 Hour Fitness*, the NLRB opposed the employer's motion on June 22, 2016, and the Court issued its decision on June 27, 2016. In *PJ Cheese*, the NLRB opposed the employer's motion on June 8, 2016, and the Court issued its decision

requested extension because it will allow UnitedHealth to avoid the immediate expense of preparing a potentially unnecessary brief, but still provide UnitedHealth with sufficient time to prepare in the event that the Court denies UnitedHealth's motion.

14. Counsel for the NLRB does not oppose this motion.

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Respectfully submitted,

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on June 16, 2016. And in *On Assignment*, the NLRB opposed the employer's motion on May 27, 2016, and the Court issued its decision on June 6, 2016.

CERTIFICATE OF SERVICE

I certify that on July 15, 2016, I caused the foregoing to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit using the appellate CM/ECF system. Counsel for parties who are registered CM/ECF users will be served by the appellate CM/ECF system.

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